

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF ALASKA**

Petition for Warrant or Summons for Offender Under Supervised Release

Name of Offender: Jeremy Lee Smith

Case Number: 3:12-CR-00080-RRB

U.S. Marshals Service No.: 16705-006

Sentencing Judicial Officer: Ralph R. Beistline, Senior U.S. District Judge

Date of Original Sentence: June 04, 2013

Original Offense: Wire Fraud, a Class C Felony

Original Sentence: 28 months custody followed by 36 months of supervised release

Date Supervision Commenced: March 30, 2017

Assistant U.S. Attorney: Andrea T. Steward

Defense Attorney: Charles W. Coe

PETITIONING THE COURT

☒ [X] To issue a warrant

☐ [] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervised release:

<u>Violation Number</u>	<u>Nature of Non-compliance</u>
1	The offender violated the Standard Condition of Supervision "The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed 12 tests per month as determined by the probation officer," in that on May 19, 2017, the defendant was caught attempting to falsify a drug test using a tampering device. This is a Grade C violation.
2	The defendant has violated the Special Condition 7, "the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician," in that on

May 22, 2017, the defendant admitted to ingesting marijuana on May 18, 2017. This violation is a Grade C violation.

U.S. Probation Officer Recommendation:

The term of supervised release should be:

☒ Revoked

☐ Extended for _____ year, for a total term of _____ years.

U.S. Probation Officer Recommendation regarding Bail/Detention: The defendant is not assessed as a risk of nonappearance based on his history of appearing for scheduled court dates and consistent communication with this officer.

The defendant is assessed as a risk of danger to himself and the community based on his history of substance abuse and assaultive behavior.

This officer believes that a condition or combination of conditions can be established in order to mitigate the defendant's future noncompliance and risk of danger to the community. Therefore, this officer is respectfully recommending that the defendant be remanded into custody until an adequate release plan can be proposed.

The defendant is a criminal history category V and the sole allegation is a Grade C violation, the defendant's advisory guideline imprisonment is seven to 13 months. Convicted of a Class C felony carrying a statutory maximum of two years.

Respectfully submitted,

s/Sam McKinstry

Sam McKinstry
U.S. Probation Officer
Date: May 23, 2017

Approved by:

s/Travis Lyons

Travis Lyons
Supervising U.S. Probation Officer

UNITED STATES OF AMERICA)	
)	
)	Case: 3:12-CR-00080-RRB
)	
vs.)	DECLARATION IN SUPPORT OF PETITION
)	
)	
Jeremy Lee Smith)	

On March 30, 2017, the defendant began his three year term of supervised release after serving a 28 month sentence for a Wire Fraud conviction. The defendant is employed as a mechanic and is currently participating in a tattoo apprenticeship.

On May 19, 2017, the defendant reported for a scheduled drug test at the Residential Reentry Center (RRC), the staff member conducting the drug test noticed that the defendant was attempting to falsify his urine sample with a device. The device was collected and the defendant did not provide a valid sample. He told the RRC staff that he was attempting to use the device because he ingested marijuana. Due to the invalid sample, there is no way to determine if the defendant had ingested other illegal substances.

Executed this 23rd day of May, 2017 at Anchorage, Alaska, in conformance with the provisions of 28 U.S.C. § 1746.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

s/Sam McKinstry
Sam McKinstry
U.S. Probation Officer